

REMARKS

This Amendment is in response to the Office Action dated January 29, 2008, and accompanies a Request for Continuing Examination. With this Amendment, claims 1, 3, 6-8, 10, and 16-17 are amended and claims 18-21 are new. Claims 1-11 and 13-21 are presented for reconsideration and allowance.

In the Office Action of January 29, 2008, claims 1-11 and 13-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McKenna et al. (2003/0005449) in view of Herz et al. (6,088,722).

Claims 1, 3, 6-8, 10, and 16-17 have been amended, in part, to correct minor errors, to use consistent terms, and to clarify the role of the provider and/or survey. Claims 1, 10, and 17 have also been amended to include a new element not disclosed or made obvious by McKenna et al. nor Herz et al. Claims 18-21 have been added to include other elements not disclosed or made obvious by McKenna et al. nor Herz et al.

As amended, claims 1-11 and 13-21 are directed specifically to surveys that include inquiries toward a guest's satisfaction with products or services offered by an entity, such as a motel or hotel. The amendment clarifies that the claims cover surveys regarding guest satisfaction. In this application, the term survey comprises communication with at least one human being, as opposed to communication that is wholly electronic, such as communication between two or more computers. McKenna et al. does not disclose nor suggest surveying a guest regarding the guest's satisfaction.¹ Nothing in McKenna could remotely be considered a survey, as the term is used in this application. Computers connected over the internet have always communicated with each other; however, that computer-to-computer communication is not synonymous with a survey of a human.² A survey of a human guest user's mental thoughts

¹ The "history" referred to in McKenna et al. has nothing to do with a guest survey. It does not involve questions or answers to a survey. The history is simply a list of those files (e.g. movies or games) have been received and stored. The guest is not involved at all with the history directory. See McKenna, paragraph [0026].

² In McKenna, as is typical in lodging entertainment system, a host computer at the site may have a communication link back to the base station of the entertainment system provider to report amounts of sales, so that the

is never disclosed in McKenna, let alone a survey related to a guest's satisfaction with products and services.

Herz et al. discloses surveying of television users in order to provide the user with customized programming options. Although Herz discloses surveying users regarding programming and discloses use of an interactive item selection system, Herz never discloses conducting the survey actually *on* the interactive item selection system. Herz also never discloses the surveying of hotel guests, only that hotel guests could watch programming based upon a previous survey. Moreover, Herz never discloses a survey related to a guest's satisfaction with hotel products and services. To the extent that Herz is interested in a user's mind, that interest is limited to the user's preference for television programming. There is not even a suggestion to survey hotel guest satisfaction, or anyone's satisfaction for that matter.

The combination of McKenna and Herz also fails to make the claims of the present invention obvious. As explained above, neither McKenna nor Herz disclose 1) surveying guests at a hotel, 2) surveying guests using an interactive item selection system, or 3) surveying anyone regarding satisfaction with products and services. Considering McKenna and Herz together still fails to render this invention obvious. McKenna and Herz are both wholly uninterested in guest satisfaction surveys. In the amended claims, surveying guest satisfaction with an interactive item selection system is an element in every independent claim. Consequently, claims 1-11 and 13-21 as amended are in condition for allowance.

As for Bankers et al. U.S. Patent No. 7,272,844, it is unclear to what extent, if any, the Examiner is relying on Bankers. Nonetheless, it should be noted that Bankers et al. also fails to disclose surveys related to a guest's satisfaction with products and services offered by the hotel. Thus, Bankers does nothing to change the conclusion that claims 1-21 as amended are in condition for allowance.

entertainment system provider knows the amount of money to be collected from the hotel as a result of operation of the in-room entertainment system. In McKenna, an electronic response to a survey from the user is never sent from site 18 to either base station 12 or uplink 14.

In addition, claims 18, 19, and 21 add new elements directed to the content of the survey inquiries. Claim 18 specifies that the survey has at least one inquiry regarding the guest user's satisfaction with a product or service other than programming available on a television. Claim 19 specifies that the survey has at least one inquiry regarding the guest's satisfaction with room service. Claim 21 specifies that the survey has at least one inquiry regarding the guest user's satisfaction with a product or service other than programming available on an interactive item selection system. Neither McKenna nor Herz disclose these elements. Both McKenna and Herz are exclusively concerned with programming available for a user to watch on a television. McKenna and Herz have concerns ancillary to the actual programming, but the concerns are always at least related to the programming. Neither McKenna nor Herz ever disclose surveying regarding room service or any product or service provided by an entity other than television programming. Conversely, one major advantage of the invention of the present Application is the ability to survey guests about any product or service offered by the entity, such as room service. This aspect of the invention is claimed in claims 18, 19, and 21 but is never disclosed by nor rendered obvious in light of McKenna and Herz.³ Thus, claims 18, 19, and 21 are in condition for allowance for this additional reason.

Moreover, the rejection of claims 6 and 7 was in error because paragraph [0031] of McKenna does not disclose all elements of claims 6 and 7. McKenna discloses transmitting a particular message to a guest in response to a new release movie becoming available. McKenna does not, however, disclose transmitting a particular message to a representative of a first or second hotel entity for any reason. McKenna only transmits messages to guests, not to entity representatives. Moreover, McKenna also does not disclose transmitting the particular message in response to an electronic response to a guest survey. McKenna only transmits the particular message in response to a movie becoming released and available. The guest is only a passive viewer of the particular message and/or the movie. The guest in McKenna has nothing to do with causing the movie to become released, and consequently, has nothing to do with

³ It is also not disclosed by nor rendered obvious in light of Bankers.

causing the particular message to be transmitted. Herz is also silent on this limitation. For clarity, claims 6 and 7 have been further amended so that the particular message is transmitted in response to receiving a survey indicating dissatisfaction. As amended, it is clear that claims 6 and 7 are not disclosed by nor rendered obvious in light of McKenna and Herz.⁴ In addition, new claim 20 contains a limitation similar to the limitations in claims 6 and 7. Consequently, claims 6, 7, and 20 are all in condition for allowance for this additional reason.

In summary, the amendments to the claims clarify that this invention relates to surveying guest satisfaction and also clarifies how the invention uses the survey responses. It is now clear that the present invention is entirely different from the inventions of McKenna and Herz. As described above, the present invention claims several elements that are not disclosed by nor rendered obvious in light of McKenna, Herz, Bankers, or any combination of the references. Reconsideration and allowance of claims 1-11 and 13-21 is requested.

Respectfully submitted,

KINNEY & LANGE, P.A.

Date: 6/26/08

By: 

David R. Fairbairn, Reg. No. 26,047

THE KINNEY & LANGE BUILDING

312 South Third Street

Minneapolis, MN 55415-1002

Telephone: (612) 339-1863

Fax: (612) 339-6580

DRF:SAN:mdh

⁴ It is also not disclosed by nor rendered obvious in light of Bankers.